HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO.5980 OF 2005

PETITIONER		Akhil Bhartiya Guru Ghasidas Mahasamiti, Raipur, through The President Resham Lal Jangade, Aged about 78 years, R/o Janata House No. 1, Indrawati Colony, Raipur, C.G.
	Vs.	
RESPONDENTS	1.	The State of Chhattisgarh Through the Secretary, G.A.D. Department, D.K.S. Bhavan, Raipur (C.G.)
	2.	The Commissioner Municipal Corporation, Raipur (C.G.)
	3.	The Zone Officer of the Zone no. 7, Nagar Palika Nigam, Amapara, Raipur (C.G.)
	4.	The Executive Engineer Municipal Corporation Amapara Swami Atmandnd Ward, Raipur

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Present : Mr. S.C. Verma, learned counsel for the petitioner.
Mr. Yashwant Singh, learned Govt. Adv., for the State of Chhattisgarh.
Mr. H.B. Agrawal, Sr. Adv., with Mr. Pankaj Agrawal, learned counsel for the Raipur Municipal Corporation.

ORAL ORDER
(Passed on 4th January 2006)

This writ petition is directed against the statutory notice issued by the Divisional Officer, Raipur Municipal Corporation dated 01/10/2005 under Section 307 (2-A) of the Municipal Corporation Act, 1956 (*for short 'the Act'*) alleging that the petitioner has put up construction in the subject property illegally and calling upon the petitioner to remove unauthorized construction. The petitioner has also filed his reply to the show cause notice.

(2) The dispute brought before the Court bristles with disputed facts. According to the petitioner, he has not contravened any law in putting up the construction. Furthermore, it is well settled that writ petition is not maintainable against a statutory notice issued by a competent authority. It is not the case of the petitioner that the Divisional Officer of the Municipal Corporation of Raipur is an incompetent authority to issue the impugned notice. This Court while entertaining this writ petition on 09/12/2005 directed that the status quo that obtained on that date should be maintained for a period of one month. In that view of the matter, I think that ends of justice would be met by directing further maintenance of status quo for a period of six weeks from today. I direct accordingly. In the meanwhile, it is open for the petitioner to work out his legal remedies either before the statutory authorities under the Act or by instituting a suit in the jurisdictional civil Court. It is made clear that if the petitioner fails to obtain protective interim order, in the meanwhile, from the statutory authority or from the civil Court, it is open for the authorities of the Raipur Municipal Corporation to take appropriate steps to remove alleged unauthorized construction in accordance with law. There shall be no order as to costs.

Sd/-
Chief Justice

Brajesh